IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23801 of 2004

Between:

Managing Committee, Madina Masjid, Wahab Road, Tenali,
rep., by its Secretary Sri Shaik Hussain, s/o Vannoor Saheb,
r/o 17-7-7, Islampet, Tenali.

... PETITIONER

AND

A.P.Wakf Board rep., by its Special Officer,

Having office at Haj House, Nampally Road, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order, direction or a writ particularly in the nature of writ of mandamus declaring that the respondent board has no right to hold elections of the Managing Committee of Madina Masjid situated at Tenali unless the petitioner committee is superceded in accordance with the provisions of the Sec.67 of Wakf Act of 1995, and consequently suspend the operation of the letter vide No.18/GNT/03 dated 19-11-2004 pending disposal of the writ petition and pass any other order or orders.

Counsel for the Petitioner: MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondent: MR.S.M.SUBHAN, STANDING COUNSEL FOR WAKF BOARD.

The Court at the admission stage made the following :

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O R D E R:

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The petitioner is a Managing Committee, appointed for administration of the Madina Masjid, Wahab Road, Tenali, through proceedings dated 19.06.2003. Its term expired by 18.06.2004. The petitioner had made a representation for extension of the term. However, the request was not acceded to. Through an office order dated 19.11.2004, the respondent directed the Inspector-Auditor, Wakf, to conduct the election for the wakf. The petitioner challenges the same, alleging that requisite preparatory steps were not taken before directing election, and panels are being prepared to reduce the election to an empty formality.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent.

The term of the petitioner had expired on 18.06.2004. While considering the representation made by the petitioner for extension of the term, the respondent directed that the election be held, instead of extending the term of the petitioner. No exception can be taken to such a step. The apprehension of the petitioner that certain interested persons, particularly the tenants of the malgies of the Wakf, have already prepared a panel and the election is going to be an empty formality, does not appear to be well founded at this stage. Elections are required to be held in accordance with the stipulated procedure, and any deviation there from would render the election itself invalid.

Hence, the writ petition is disposed of, directing the respondent to ensure that the elections to the Committee are held strictly in accordance with law, and in a fair manner. There shall be no order as to costs.

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21st December, 2004

Note: Issue copy in two days.

(B/o)

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To

1 The Special Officer, A.P.Wakf Board,

Having office at Haj House, Nampally Road, Hyderabad.

2 Two CD copies